

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Larry Billy Rhinehart,

Plaintiff,

v.

Patricia Ray and Tamiko Gregg-Wright,

Defendants.

C/A No. 2:22-cv-1473-JFA-MGB

ORDER

Plaintiff, Larry Billy Rhinehart, a self-represented state prisoner, brings this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), the case was referred to the Magistrate Judge for initial review.

After performing an initial review of the complaint, the Magistrate Judge assigned to this action¹ issued a Report and Recommendation (“Report”). (ECF No. 3). Within the Report, the Magistrate Judge opines this action should be summarily dismissed because this case was filed in error and is completely duplicative of a separate action previously filed by Plaintiff. (*See* Case No. 2:22-cv-00594-JFA-MGB.)

The Report sets forth, in detail, the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

Plaintiff was advised of his right to object to the Report, which was entered on the docket on May 18, 2022. *Id.* The Magistrate Judge required Plaintiff to file objections by

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.). The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976).

June 1, 2021. *Id.* Plaintiff failed to file objections or otherwise address the deficiencies in his complaint. Thus, this matter is ripe for review.

A district court is only required to conduct a *de novo* review of the specific portions of the Magistrate Judge's Report to which an objection is made. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); *Carniewski v. W. Virginia Bd. of Prob. & Parole*, 974 F.2d 1330 (4th Cir. 1992). In the absence of specific objections to portions of the Magistrate's Report, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

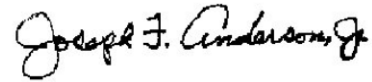
Here, Plaintiff has failed to raise any objections and therefore this Court is not required to give an explanation for adopting the recommendation. Plaintiff did file a supplement which in no way addresses the Report and instead includes additional factual allegations concerning his treatment while incarcerated. (ECF No. 8). Because this filing does not address the Report or otherwise contest the Magistrate Judge's recommendation that this action be dismissed as duplicative, this filing will not be considered as objections to the Report. A review of the Report indicates that the Magistrate Judge correctly concluded Plaintiff's filing in this action is duplicative of another action he previously filed which remains pending before the Court. Thus, this action should be dismissed.

After carefully reviewing the applicable laws, the record in this case, and the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, this Court adopts the Magistrate Judge's Report and Recommendation and incorporates it herein by reference.

(ECF No. 3). Consequently, this action is dismissed with the understanding that Plaintiff will proceed with his claims in Case No. 2:22-cv-00594-JFA-MGB.

IT IS SO ORDERED.

June 27, 2022
Columbia, South Carolina

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." The signature is written in a cursive, flowing style.

Joseph F. Anderson, Jr.
United States District Judge